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7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA
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10 PAUL DIXON LEWIS,

11 Plaintiff,

12 v.

13 KEN CLARK, *et al.*

14 Defendants.
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Case No. 1:20-cv-00120-JDP

ORDER TO SHOW CAUSE WHY CASE
SHOULD NOT BE DISMISSED AS BARRED
BY THE FAVORABLE-TERMINATION
RULE

FOURTEEN-DAY DEADLINE

ORDER ASSIGNING THIS CASE TO A
DISTRICT JUDGE

17 Plaintiff Paul Dixon Lewis is a state prisoner proceeding without counsel in this action
18 brought under 42 U.S.C. § 1983. Plaintiff argues that his prison sentence is unlawful and requests
19 compensation for his allegedly illegal incarceration. *See* ECF No. 1 at 4. But habeas relief—
20 which petitioner does not now seek—is the exclusive remedy for a prisoner challenging the fact
21 or duration of his confinement. *See Heck v. Humphrey*, 512 U.S. 477, 481 (1994). Even if
22 plaintiff wishes to obtain some sort of relief for his allegedly illegal incarceration other than
23 release—relief that might properly be channeled through 42 U.S.C. § 1983 rather than a habeas
24 petition—plaintiff would first need to show that his underlying conviction had been invalidated.
25 *See Heck*, 512 U.S. at 487. Accordingly, the court orders plaintiff to make such a demonstration.
26 If he cannot, we will recommend that this civil rights case be dismissed as barred by the so-called
27 favorable-termination rule of *Heck v. Humphrey*.

28 **ORDER**

1 Plaintiff has fourteen days to show cause why his 42 U.S.C. § 1983 complaint should not
2 be dismissed as barred by *Heck v. Humphrey*. Plaintiff may make this showing by demonstrating
3 that his underlying conviction has been invalidated. Failure to comply with this order may result
4 in dismissal of this action.

5 The clerk of court is ordered to assign this case to a district judge.

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7 IT IS SO ORDERED.

8 Dated: January 28, 2020


UNITED STATES MAGISTRATE JUDGE

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12 No. 205.
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